2026:AHC:230694

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 39759 of 2026

Neeraj Kumar

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Lorik Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard counsel for the applicant and Sri N.K. Sharma, learned AGA for the State-opposite party. Perused the material available on record.

2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 322 of 2025, under Sections 191(2), 115(2), 105, 352, 3(5) B.N.S., Police Station- Nandganj, District- Ghazipur, during the pendency of the trial.

3. Counsel for the applicant submits that the applicant was not named in the first information report and has been falsely implicated in the present case. The incident is alleged to have occurred on 22.11.2025. The first information report was lodged on 23.11.2025. The delay is fatal to the prosecution case. As per the first information report, five named accused assaulted Sarvesh Kumar. Sarvesh Kumar succumbed to his injuries on 25.11.2025. Prior to 25.11.2025, no medical report is available in the case diary. The postmortem was conducted on 25.11.2025. According to the postmortem report, the injured sustained five injuries. Injury Nos.1 and 2 were on the head and other injuries were on non vital parts of the body. In the opinion of the doctor, cause of death is coma as a result of antemortem head injuries. After almost ten days of the alleged incident, one of the injured Monu alias Ashwani Kumar stated that apart from the named accused, the applicant was also involved in assaulting the deceased. It is contended that the said statement is an afterthought and unreliable. A vague and general role has been assigned to the applicant. Identically placed co-accused Sandeep Bind @ Sagar has been granted bail by this Court vide order dated 13.8.2026

passed in Criminal Misc. Bail Application No. 24577 of 2026 (Sandeep Bind @ Sagar vs. State of U.P. and another). The applicant claims parity. He is in jail since 5.10.2026 having no criminal history and in case, he is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA for the State opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard counsel for the parties and having perused the record this Court prima facie finds that the applicant was not named in the first information report. After almost ten days of the alleged incident, one of the injured Monu alias Ashwani Kumar disclosed the name of the applicant. A vague and general role has been assigned to the applicant. Identically placed co-accused Sandeep Bind @ Sagar has been granted bail by this Court. The applicant has no criminal antecedents. Further, the applicant and has remained confined for a month and there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant Neeraj Kumar, involved in the aforesaid case crime be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

November 5, 2026
S.S.

(Vivek Varma,J.)

Digitally signed by :-
SIDDHARTH SRIVASTAVA
High Court of Judicature at Allahabad